

12/14/01

10/08 U.S. PTO

12-20-01

23932

PATENT TRADEMARK OFFICE

PATENT APPLICATION

Docket No.: 58683-00002USPX
08-890550US

A

10/023109

10/023109

12/14/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: Nielsen JAKOB et al.

For: LISTENING DEVICE

CERTIFICATE OF MAILING BY EXPRESS MAIL

"EXPRESS MAIL" Mailing Label No. EL706391768US

Date of Deposit: DECEMBER 14, 2001

I hereby certify that the paper(s) and/or fee(s) listed below are attached hereto and are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Washington, D.C. 20231

Type or Print Name: DOROTHY MACKINNON

Signature *Dorothy MacKinnon*

BOX PATENT APPLICATION
Commissioner for Patents
Washington, D.C. 20231

Sir:

PATENT APPLICATION TRANSMITTAL LETTER

Transmitted herewith for filing, please find the following:

- (XX) The specification of the above-referenced patent application is enclosed herewith (25 page(s) including claim(s) and Abstract).
- (XX) 4 sheet(s) of:
informal drawing(s) is (are) enclosed herewith.
☒ formal drawings are enclosed herewith.

- () This application is a:
Continuation
Divisional
Continuation-In-Part
of prior copending parent application
Serial No. filed on , now pending.
Please amend the application to insert the following line in the beginning of the specification:
--This application is a Continuation of prior application Serial No. filed on , now pending.--

In the event that a petition to extend time under 37 CFR 1.136 is necessary in the parent application to maintain copendency for this application, a petition for an extension of the necessary time to maintain copendency is hereby requested for the parent application and the Commissioner is hereby authorized to debt our Account Number 10-0447 for the necessary fees.

Dallas2 851725 v 1, 58683 00002

1

4. (XX) The fees for this application have been calculated and included as shown below (Prior to calculating the fees, please enter any enclosed preliminary amendment.):

	NO. FILED	NO. EXTRA	RATE	FEE
BASIC FEE				\$740
TOTAL CLAIMS	43-20	23	\$18	414
INDEPENDENT CLAIMS	4-3	1	\$84	84
MULTIPLE DEPENDENT CLAIM(S) PRESENTED			\$280	
TOTAL FEES:				\$1238.00
Deduct one-half of fee for Small Entity				619.00
TOTAL AMOUNT DUE:				\$619.00

X A check in the amount of \$619.00 is enclosed herewith. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0447.

 Please charge my Deposit Account No. in the amount of \$. Please charge any deficiency or credit any overpayment to Deposit Account No. .

5. (XX) An oath or declaration is enclosed herewith that is:

X Unsigned

 Newly executed per 37 CFR 1.63(a) and (b).

 A copy of the executed declaration filed in the prior application upon which priority is based, showing the signature or an indication thereon that it was signed; and:

 This application is being filed fewer than all of the inventors named in the prior application and it is requested that the following name or names be deleted from the list of inventors in the prior application for this continuation or divisional application:

 The prior application was accorded status under 37 CFR § 1.47 and is accompanied by:

 A copy of the decision granting a petition to accord Sec. 1.47 status to the prior application (unless all of the inventors have or legal representatives have filed an oath or declaration to join in the prior application).

 A copy of the subsequently executed oath(s) or declaration(s) filed by the inventor(s) or legal

representative(s) that have subsequently joined
in the prior application.

6. () The power of attorney for this application:
___ is appointed in the newly executed Oath or Declaration
submitted herewith.
___ is appointed by the power of attorney enclosed herewith.
___ remains the same as originally in the parent application.
___ was changed during the prosecution of the parent application
and a copy of the change in the power of attorney is enclosed
herewith.

7. (XX) The correspondence address for this application shall be:

Brian D. Walker, Esq.
Jenkins and Gilchrist, P.C.
3200 Fountain Place
1445 Ross Ave.
Dallas, Texas 75202

- X which is a new correspondence address or a change therein.
___ which is the same as originally in the parent application.
___ which is the change in the correspondence address that was
filed during the prosecution of the parent application.

8. (XX) Priority is hereby claimed under 35 USC 119 and 172 to the following
foreign applications:

Country	Serial No.	Date
<u>CANADA</u>	<u>2,357,200</u>	<u>SEPT. 7, 2001</u>
_____	_____	_____
_____	_____	_____

and:

- ___ A certified copy of each application is enclosed herewith.
___ A certified copy of each application was filed in prior
application Serial No. _____.

9. (XX) Applicants, and their assignee(s) if any, assert entitlement to
small entity status under 37 CFR 1.27 by this written assertion in
accordance with 37 CFR §1.27(c).

10. () A preliminary amendment is enclosed herewith.

11. () An Information Disclosure Statement with Modified PTO Form 1449 and
a copy of the cited references are enclosed herewith.

12. () An Assignment of the invention to _____
with cover sheet and recordation fee is enclosed herewith for
recordation by the Assignment Branch.

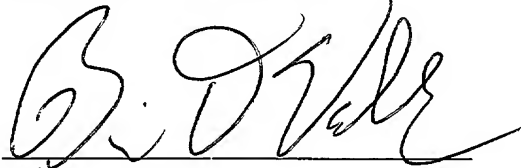
13. (XX) The Commissioner is hereby authorized to charge payment, or to
credit any overpayment, of the following fees associated with this
filing or during the pendency of this application to Deposit Account
No. 10-0447.

- X Any patent application filing fees under 37 CFR 1.16.
X Any patent application processing fees under 37 CFR 1.17.
___ The issue fee under 37 CFR 1.18 at or before mailing of the
Notice of Allowance, pursuant to 37 CFR 1.311(b).

14. () Other (specify): _____

15. (XX) Confirmation Postcard.

Respectfully submitted,



Brian D. Walker
Reg. No. 37,751

Jenkins & Gilchrist, P.C.
3200 Fountain Place
1445 Ross Avenue
Dallas, Texas 75202-2799
214/855-4706
214/855-4300 (Fax)

1002403 15072001